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on 7/11/03
Date of Deposit

Justin B. Rand, Reg. No. 48,552

Name of applicant, assignee or
Registered Representative

Justin B. Rand
Signature

7/11/03
Date of Signature

*10/Election
Chyusa
7/22/03*

Our Case No. 10541/107

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Norman Szalony

Serial No. 09/752,051

Filing Date: December 29, 2000

For: METHOD TO USE A MAGNETO-
RHEOLOGICAL OR ELECTRO-
RHEOLOGICAL SUBSTANCE BY
USING A CONTINUOUS MINIMAL
LOW THRESHOLD POWER
SUPPLY

Examiner: Lincoln D. Donovan

Group Art Unit No. 2832

TECHNOLOGY CENTER 2800

JUL 17 2003

RECEIVED

RESTRICTION/ELECTION RESPONSE

Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

In response to the outstanding Office Action mailed June 11, 2003, Applicant submits the following restriction/election response.

Restriction Response

Applicant provisionally elects Group I, comprising Claims 1-3 and 14-21, with traverse. Applicant reserves the right to pursue nonelected claims in a divisional application claiming priority to the filing date of this application. The Examiner states that Group I, comprising claims 1-3 and 14-21, is drawn to a method of maintaining a magneto-rheological substance; Group II, comprising claims 4-7 and 11-13, is drawn to a method of accelerating binding of magneto-rheological substances; and Group III, comprising claims 8-10 is drawn to a method of maintaining a film layer of a magneto-rheological substance.

The Examiner claims that these groups are related as subcombinations disclosed as usable together in a single combination, and that they are distinct if they are shown to be separately usable. The Examiner claims that Group I has separate utility such as a method of maintaining a magneto-rheological substance not using the accelerating process of Group II or the film layer of Group III. The Examiner claims that Group II has separate utility as an accelerating process for binding a magneto-rheological substance not using the maintenance process of Group I or the film layer of Group III. Finally, the Examiner claims that Group III has separate utility such as a magneto-rheological film layer not using the maintenance process of Group I or accelerating process of Group II.

The Examiner claims that these inventions are distinct because they can be separately usable. Applicant respectfully traverses. The three groups identified by the Examiner do not have utility separate from each other. Therefore, it is possible to search all the claims of the present invention together. All of the claims relate to a method of impregnating at least one component with a magneto-rheological or electro-

rheological substance, and then applying a constant minimal modulating charge to the substance and the component. The claims in Group III contain the added limitation that a film layer be inserted between two impregnated components, but the claims in this group still relate to the same process. The Examiner has not truly identified any specific utility that these Groups have from each other, and has simply relied on conclusory statements rather than true examples. Therefore, Applicant requests that the restriction requirement be rescinded, and Groups I, 2 and 3 encompassing Claims 1-21 be considered in this application.

Election Response

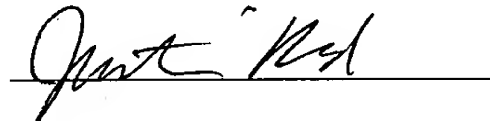
The Examiner has also required that Applicant elect a species. The Examiner claims that there are two distinct species; embodiment 1 as shown in figures 2-5 and embodiment 2 as shown in figures 6 and 7. Applicant provisionally elects the species shown in figures 2-5 with traverse. Claims 1-21 cover the elected species, wherein said claims are generic to embodiments 1 and 2. Applicant reserves the right to pursue non-elected claims in a corresponding divisional application claiming priority to the present application.

Applicant traverses the Election of Species in that there would be a significant overlap in the searches of the two identified species. Furthermore, Applicant contends that these are not two separate embodiments. The embodiment that the Examiner claims is shown in figures 6 and 7 is simply an example of an embodiment utilizing two rotating components. The embodiment shown in figures 2-5 is a close-up view of the surfaces of components utilizing the present invention, and they are described as being "porous components" only. These could also be rotating components as shown in

figures 6 and 7. Accordingly, it would not be burdensome for the Examiner to search each species. For this reason, Applicant requests that the Election of Species be withdrawn.

Therefore, Applicant requests that both the Election and restriction requirements be rescinded, and that Groups I, II and III and embodiments 1 and 2, encompassing claims 1-21 be considered in this application. To reiterate, should the restriction and election requirements not be rescinded, Applicant provisionally elects Group I, comprising Claims 1-3 and 14-21, with traverse and the species shown in figures 2-5 with traverse. Claims 1-21 cover the elected species, wherein said claims are generic to embodiments 1 and 2. Questions regarding this response can be directed to Justin B. Rand at 312-245-5394.

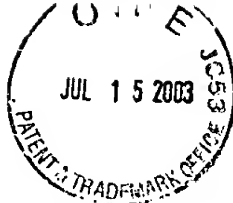
Respectfully submitted,

A handwritten signature in black ink, appearing to read "Justin B. Rand", is written over a horizontal line.

Justin B. Rand
Registration No. 48,552

Attorney for Applicant

BRINKS HOFER GILSON & LIONE
P.O. BOX 10395
CHICAGO, ILLINOIS 60610
(312) 321-4200

2832
Attorney Docket No.: 10541-107

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Norman Szalony

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SUPPLY

Examiner: Lincoln D. Donovan

Group Art Unit: 2832

TRANSMITTAL

Commissioner for Patents
U.S. Patent and Trademark Office
P. O. Box 1450
Alexandria, VA 22313-1450

Sir:

Attached is/are:

- ☒ Transmittal Letter (in Duplicate)
☒ Restriction/Election Response
☐
☒ Return Receipt Postcard

Fee calculation and payment:

- ☒ No additional fee is required.
☐ An extension fee in an amount of \$_____ for a _____-month extension of time under 37 C.F.R. § 1.136(a).
☐ A petition or processing fee in an amount of \$_____ under 37 C.F.R. § 1.17(____).
☐ An additional filing fee has been calculated as shown below:

	Claims Remaining After Amendment		Highest No. Previously Paid For	Present Extra
Total		Minus		
Indep.		Minus		
First Presentation of Multiple Dep. Claim				

Small Entity		or	Other Than Small Entity	
Rate	Add'l Fee		Rate	Add'l Fee
x \$9=			x \$18=	
x 42=			x \$84=	
+\$140=			+\$280=	
Total	\$		Total	\$

- ☐ A check in the amount of \$_____ to cover the above-identified fee(s) is enclosed.
☐ Please charge Deposit Account No. 06-1500 (VISTEON GLOBAL TECHNOLOGIES, INC.) in the amount of \$_____. A copy of this Transmittal is enclosed for this purpose.
☒ The Commissioner is hereby authorized to charge payment of any additional filing fees required under 37 CFR § 1.16 and any patent application processing fees under 37 CFR § 1.17 associated with this paper (including any extension fee required to ensure that this paper is timely filed), or to credit any overpayment, to Deposit Account No. 06-1500. A copy of this Transmittal is enclosed for this purpose.

BRINKS HOFER GILSON & LIONE
P.O. Box 10395
Chicago, IL 60610

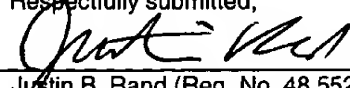
Serial No. 09/752,051

Attorney Docket No. 10541/107

Date

7/11/03

Respectfully submitted,



Justin B. Rand (Reg. No. 48,552)

☒ Attorney/Agent Of Record

☐ 37 C.F.R. 1.34(a)

-2-

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8

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